



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF STATE
LEGAL OFFICE
116 PINE STREET, P.O. BOX 2649
HARRISBURG, PA 17105-2649

Anita P. Shekletska, Prosecuting Attorney
Prosecution Division

Telephone: (717) 783-7200
FAX: (717) 787-0251
E-Mail: ashkletska@state.pa.us
Department's Website: www.dos.state.pa.us

Robert G. Kearns
RR 3 P O Box 254 A1
Hollidaysburg PA 16648

Date: 12/28/01

**RE: Complaint against
Eugene F. Polmueller, M.D.
Dennis M. Kashurba, M.D.
File Nos. 0049-02912 and 0063-02928**

Dear Mr. Kearns:

The Department of State Legal Office has completed its inquiry into the complaints that you filed against the above-mentioned physician and psychologist. Let me assure you that our office conducted a thorough inquiry of your complaint. However, we have decided not to file formal charges in this case.

We appreciate your efforts in filing the complaint. Our office takes such complaints very seriously. The Commonwealth's system of licensing professionals and investigating allegations of misconduct would not function without the assistance of civic-minded people like you.

Thank you for taking the time to file the complaint.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anita P. Shekletska".

Anita P. Shekletska
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State



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17105-2649**

Robert G. Kearns
RR 3 P O Box 254 A1
Hollidaysburg PA 16648

Date: 4/6/01

**RE: Your complaint against
Rodolfo Medina, M.D.
File No. 0049-02802**

Dear Mr. Kearns:

The Prosecution Division of the Bureau of Professional and Occupational Affairs, Legal Office, has completed its inquiry into the complaint that you filed against Dr. Medina. Let me assure you that our office conducted a thorough inquiry into your complaint. However, we have decided not to file formal charges in this case.

We appreciate your efforts in filing the complaint. Our office takes such complaints very seriously. The Commonwealth's system of licensing professionals and investigating allegations of misconduct would not function without the assistance of civic-minded people like you.

Thank you for taking the time to file the complaint.

Sincerely,

A handwritten signature in cursive script that reads "Bernadette Paul".

Bernadette Paul
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs



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Date: 1/10/02

Robert G. Kearns
R. R. 3 Box 254A1
Hollidaysburg, PA 16648

**Re: Your complaint against
Nancy D. Baker
File No. 97-63-04624**

Dear Mr. Kearns:

The Prosecutions Division of the Bureau of Professional and Occupational Affairs has completed its inquiry into the complaint that you filed. Let me assure you that our office conducted a thorough inquiry of your complaint. However, we have decided not to file formal charges in this case.

Please note that, as a result of your complaint, the Prosecution Division has sent to the licensee in question a letter putting the licensee on notice about duties and requirements under the licensing statutes and regulations of this Commonwealth.

We appreciate your efforts in filing the complaint. Our office takes such complaints very seriously. The Commonwealth's system of licensing professional and investigating allegations of misconduct and/or negligence would not function without the assistance of civic-minded people like you.

Our decision not to proceed to the final step in this case does not mean that your complaint had no impact. In my experience, the very act of investigating a licensee serves as a strong deterrent to professional misconduct.

Thank you for taking the time to file the complaint.

Very truly yours,

A handwritten signature in cursive script, reading "Anita P. Shekletski".

Anita P. Shekletski
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State



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Date: 1/10/02

Robert G. Kearns
R. R. 3 Box 254A1
Hollidaysburg, PA 16648

**Re: Your complaint against
Nancy D. Baker
File No. 97-63-04624**

Dear Mr. Kearns:

The Prosecutions Division of the Bureau of Professional and Occupational Affairs has completed its inquiry into the complaint that you filed. Let me assure you that our office conducted a thorough inquiry of your complaint. However, we have decided not to file formal charges in this case.

Please note that, as a result of your complaint, the Prosecution Division has sent to the licensee in question a letter putting the licensee on notice about duties and requirements under the licensing statutes and regulations of this Commonwealth.

We appreciate your efforts in filing the complaint. Our office takes such complaints very seriously. The Commonwealth's system of licensing professional and investigating allegations of misconduct and/or negligence would not function without the assistance of civic-minded people like you.

Our decision not to proceed to the final step in this case does not mean that your complaint had no impact. In my experience, the very act of investigating a licensee serves as a strong deterrent to professional misconduct.

Thank you for taking the time to file the complaint.

Very truly yours,

A handwritten signature in cursive script, reading 'Anita P. Shekletska'.

Anita P. Shekletski
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State



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Robert G. Kearns, Jr.
RR #3 Box 254A1
Hollidaysburg, PA 16648

Date: 1/28/02

**RE: Complaint against
Richard Alan Bennett, M.D.
File No. 0249-00060**

Dear Mr. Kearns:

The Department of State Legal Office has completed its inquiry into the complaint that you filed against Dr. Richard Alan Bennett. Our office has carefully considered the comprehensive evidence submitted with your complaint. However, we have decided not to file formal charges in this case.

We appreciate your efforts in filing the complaint. Our office takes such complaints very seriously. The Commonwealth's system of licensing professionals and investigating allegations of misconduct would not function without the assistance of civic-minded people like you.

Thank you for taking the time to file the complaint.

Sincerely,

A handwritten signature in cursive script, reading "Anita P. Shekletski".

Anita P. Shekletski
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State



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Date: 1/29/02

Robert G. Kearns
RR 3 PO Box 254 A1
Hollidaysburg, PA 16648

**Re: Complaint against
Eugene F. Polmueller, M.D.
Dennis M. Kashurba, M.D.
Nancy D. Baker, Ph.D.
File Nos. 0049-02913 and 0063-02928
File No. 9763-04624**

Dear Mr. Kearns:

I am writing in response to your January 11, 2002, e-mail inquiring about complaints you filed against the above-mentioned physician and psychologist. After a thorough investigation, the Department of State Legal Office concluded that Dr. Kashurba and Dr. Polmueller violated no Pennsylvania licensing laws.

Pursuant to 49 Pa Code Section 16.61 (a)(18), a physician is not required to release patient records in certain situations. It states, "A physician may withhold information from a patient if, in the reasonable exercise of his professional judgment, he believes release of the information would adversely affect the patient's health."

In this case, the individuals chose to withhold the information based on this section of the law.

Finally, in an e-mail dated January 28, 2002, you inquired as to why your complaint against Nancy Baker has been dismissed. In that complaint you alleged Respondent provided counseling and acted as a custody evaluator. The State Board of Psychology has recently indicated if ordered by the court it is acceptable for a psychologist to act as a custody evaluator and provide counseling.

Thank you for your inquiry into this matter.

Sincerely,

A handwritten signature in cursive script that reads "Anita P. Shekletski". The signature is written in dark ink and is positioned above the printed name.

Anita P. Shekletski
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State